

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #09-52

East Amwell Township, Hunterdon County

WHEREAS, East Amwell Township, Hunterdon County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 31, 2008; and

WHEREAS, East Amwell's petition was deemed complete on April 27, 2009; and

WHEREAS, East Amwell Township published notice of its petition in the *Hunterdon County Democrat* on April 30, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period; and

WHEREAS, East Amwell Township's fair share plan addresses its rehabilitation obligation of nine units, a 40-unit prior round obligation, and a 55-unit projected growth share obligation; and

WHEREAS, East Amwell Township's plan proposes to address its nine-unit rehabilitation obligation with a nine-unit municipal rehabilitation program; and

WHEREAS, East Amwell Township's plan proposes to address its 40-unit prior round obligation with 16 RCA credits through a completed RCA with Carteret, three post-1986 credits for three completed Market to Affordable units, and 11 post-1986 credits and 10 rental bonuses for a transitional housing facility that was completed in 1999, for a total of 40 credits and bonuses; and

WHEREAS, East Amwell Township's plan proposes to address its 55-unit projected growth share obligation with five prior cycle credits for a completed Easter Seals group home, four surplus RCA credits for the completed RCA with Carteret, and three post 1986-credits for three units in the Henry Hill Supportive Housing facility, for a total of 12 credits; and

WHEREAS, East Amwell Township's plan proposes to address its remaining 43-unit projected growth share obligation with a proposed 10-unit Accessory Apartment Program, two future group homes totaling seven bedrooms, and a proposed future 26-unit municipally sponsored 100 percent affordable project; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, East Amwell has provided implementation schedules that set forth detailed timetables that demonstrate a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.10 for the proposed group homes and N.J.A.C. 5:97-6.17 for the proposed municipally sponsored 100 percent affordable project; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on November 20, 2009, COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of East Amwell Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by East Amwell Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to East Amwell Township; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), East Amwell Township shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that if East Amwell Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that East Amwell shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that East Amwell shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting East Amwell's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of East Amwell's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in East Amwell and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a

realistic opportunity for the creation of affordable housing, COAH may direct East Amwell Township to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, East Amwell shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), East Amwell's substantive certification shall remain in effect until December 31, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of East Amwell Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on December 9, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style with large loops.

Renee Reiss, Secretary
Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
November 20, 2009***



Municipality: East Amwell Township
County: Hunterdon

COAH Region: 3
Planning Area: 4, 4B, 5
Special Resource Area: None

Housing Element and Fair Share Plan Adopted: 12/10/2008
Petition for 3rd Round Substantive Certification: 12/31/2008
Completeness Determination: 4/27/2009
Date of Publication: 4/30/2009

Objections Received: No

Petition Includes:

VLA: No
GPA: No
Waiver: No

Date of Site Visit: September 14, 2009

History of Approvals:

	COAH	JOC	N/A
First Round:	8/3/1987		
Second Round:	8/6/1997		
Extended Certification:	2/9/2005		

Plan Preparer: Banisch Associates, Inc., James Robbins

Municipal Housing Liaison: James Robbins

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	9
Prior Round Obligation	40
Projected Growth Share Obligation	55

ACTUAL GROWTH and GROWTH SHARE through September 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
23	4.6	138	8.6	13

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 9 units				
Program(s)	Municipal Rehab Program		9	9
Rehabilitation Subtotal				9
NEW CONSTRUCTION:				
Prior Round: 40 units				
Credits	Post-1986	30		30
Prior Round Bonus(es)	Rental	10		10
Prior Round Subtotal				40
Growth Share: 55 units				
Credits	Prior Cycle	5		5
	Post-1986	7		7
Proposed Mechanism(s)	Supportive/Special Needs		7	7
	Accessory Apartments		10	10
	Municipally Sponsored 100 percent affordable projects		26	26
Growth Share Subtotal				55

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. East Amwell's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, East Amwell Township has a rehabilitation share of nine units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. East Amwell has a prior round obligation of 40 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, East Amwell has a residential projection of 213 units and a non-residential projection of 199

jobs, which results in a projected growth share obligation of 55 affordable units². The Township has not subtracted any second round exclusions.

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	9
Prior Round Obligation	40
Projected Growth Share Obligation	55

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

East Amwell Township's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

East Amwell's Housing Element and Fair Share Plan does not include a request for rehabilitation credit.

² Pursuant to N.J.A.C. 5:97-2.2(d), East Amwell's residential projection of 213 is divided by 5 to yield 42.6 units and the nonresidential projection of 61 jobs is divided by 16 to yield 12.44 units. East Amwell's total projected growth share is therefore 55 units (42.6 + 12.44).

Proposed Rehabilitation Program(s)

East Amwell Rehabilitation Program

East Amwell will implement a municipally sponsored local rehabilitation program for the rehabilitation of deficient units within the Township. East Amwell's rehabilitation program will adhere to the regulations in N.J.A.C. 5:97-6.2, including having the program available to both owner-occupied and renter-occupied units. East Amwell's municipal housing liaison will administer the program. East Amwell has submitted an operating manual and affirmative marketing program for the administration of the program. The Township is anticipating applying for funding for the program through Community Development Block Grants (CDBG) and other funding sources. The Township must provide sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of the substantive certification period. East Amwell has submitted a resolution of intent to bond that was adopted on April 23, 2009, in the event of a shortfall in funding. **[9-unit rehabilitation program]**

Proposed Rehabilitation Program(s)

Rehabilitation Program	# Units
East Amwell Rehab Program	9
TOTAL	9

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

East Amwell is addressing its prior round obligation with 40 post-1986 credits, including 10 rental bonuses. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Post-1986 Credits

Project/Development Name	Year	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Completed RCA with Carteret/Middlesex	1997	RCA	16	-	-	16
Completed Market to Affordable Units	various	Family For-sale	3	-	-	3
Women's Crisis Services group home (transitional housing facility)	1999	Supportive/Special Needs	11	Rental	10	21
TOTALS			30		10	40

Proposed Affordable Housing Mechanisms

East Amwell is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its Prior Round Obligation.

Prior Round Obligation Parameters

East Amwell has satisfied the applicable Prior Round parameters as follows:

Prior Round Rental Obligation:³ 10 Units

Development/Project Name	Type of Affordable Unit	# Units
Women's Crisis Services group home	Supportive/Special Needs	11
TOTAL		11

Regional Contribution Agreement (RCA) Maximum:⁴ 24 Units

Receiving Municipality(s)	Type of Affordable Unit	# Units
Completed RCA with Carteret/Middlesex	RCA	16
TOTAL		16

³ Rental Obligation: .25 (Prior Round Obligation-Prior Cycle Credits) or .25 (40-0) = 4.25 or 10 units
N.J.A.C. 5:97-3.10(b)1

⁴ RCA Maximum: RCA Maximum = .50(Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits) or .50(40+9-0-0) = 24.5 or 24 N.J.A.C. 5:97-3.10(d)1

Prior Round Rental Bonus Maximum:⁵ 10 Units

Development/Project Name	Type of Bonus	# Bonuses
Women's Crisis Services group home	Rental	10
TOTAL		10

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

East Amwell is addressing a portion of its projected growth share obligation with five prior cycle credits, three post-1986 credits for completed group home bedrooms, and four post-1986 credits for a completed RCA. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Prior Cycle Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Total Units/Bedrooms
Easter Seals Group Home	1984	Supportive/Special Needs Housing	5	5
TOTALS			5	5

⁵ No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Surplus RCA credits with Carteret/Middlesex	1997	RCA	4	-	-	4
Henry Hill Supportive Housing	2006	Supportive/Special Needs Housing	3	-	-	3
TOTALS			7		-	7

Proposed Affordable Housing Mechanisms

The Township proposes to address its remaining 43-unit projected growth share obligation through the following mechanisms:

Accessory Apartment Program

Pursuant to N.J.A.C. 5:97-6.8, East Amwell may propose accessory apartments to address its affordable housing obligation provided the municipality's housing stock lends itself to accessory apartments. East Amwell's Fair Share Plan proposes a 10-unit Accessory Apartment program in all its residential zones that permit single-family homes. A municipality may receive credit up-front for up to 10 accessory apartment units, or an amount equal to a combined total of 10 percent of the fair share obligation, whichever is greater, unless the municipality has demonstrated a successful history of an accessory apartment program.

East Amwell's Fair Share Plan proposes a ten-unit Accessory Apartment program for the first time in all its residential zones. The Township indicates that the historic and built out nature of the Township, coupled with the larger, traditional homes on small lots demonstrates the ability to incorporate accessory apartments into the current fabric of the Township. The Township will provide the minimum subsidy of \$20,000 for each moderate-income unit and \$25,000 for each low-income unit. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates. East Amwell will fund the program through grants the Township anticipates receiving, such as Small Cities grants, and with its affordable housing trust fund. The Township has submitted a spending plan, which allocates \$225,000 for the program,

and a resolution of intent to bond, which was adopted by the Township on April 23, 2009, in the event of a shortfall in funding. The accessory apartments will be served by public water and sewer.

The program will be administered by the Township's municipal housing liaison. Pursuant to N.J.A.C. 5:97-6.8(e), East Amwell has submitted an affirmative marketing plan and written operating manual for administering the program. The units must be affirmatively marketed, and have the proper affordability controls, low/moderate split and rental pricing. The units will have 10-year affordability controls, pursuant to N.J.A.C. 5:97-6.8(c)1.

East Amwell is requesting 10 family rental credits for the program. The Township may provide four units of its accessory apartment program as very-low income. Alternatively, the Township may provide four units of a future municipally sponsored project as very-low income. East Amwell has made provisions for accessory apartments in its affordable housing ordinance. The ordinance must be adopted within 45 days of substantive certification. **[10-unit Accessory Apartment Program]**

Supportive and Special Needs Housing

Pursuant to N.J.A.C. 5:97-6.10, East Amwell is proposing to create two future group homes totaling seven bedrooms in existing homes in cooperation with Easter Seals, Monarch or another group home provider.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable demonstrating a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.10. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.10(e), with certificates of occupancy being issued in September 2012. East Amwell anticipates locating and acquiring a minimum of two homes for conversion by October 2010. Prior to marketing the affordable units, East Amwell must submit the required items pursuant to N.J.A.C. 5:97-6.10(f). **[7 Special Needs bedrooms]**

Municipally Sponsored 100% Affordable Development

Pursuant to N.J.A.C. 5:97-6.7, East Amwell is proposing to construct 26 affordable family rental units in a future 100 percent affordable project. The Township anticipates acquiring land and partnering with a non-profit or other affordable housing provider for the project. The Township is proposing to deed restrict four of the units as very-low income units. Alternatively, the Township may provide four units of its accessory apartment program as very-low income.

The Township has submitted a spending plan and a resolution of intent to bond in the event of a shortfall in funding, which was adopted by the Township on April 23, 2009. The spending plan allocates \$60,000 for the project.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.10(e), with certificates of occupancy being issued in August 2014, requiring that supporting documentation be submitted to COAH in September 2011, two years before construction begins.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, rental pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, East Amwell must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[26 family rental units in a municipally sponsored 100 percent affordable development]**

Proposed Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Accessory Apartment Program	Family Rental	10	-	-	10
Future group homes	Supportive/Special Needs	7	-	-	7
Municipally Sponsored 100% Affordable Project	Family Rental	26	-	-	26
TOTALS		47		-	47

Growth Share Parameters

East Amwell has satisfied the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:⁶ 14 Units

Development/Project Name	Type of Affordable Unit	# Units
Accessory Apartment Program	Family Rental	10
Henry Hill Supportive Housing	Supportive/Special Needs	3
Future Group Homes	Supportive/Special Needs	7
Municipally Sponsored 100% Affordable Project	Family Rental	26
TOTAL		46

⁶ Projected Growth Share Rental Obligation: $.25(\text{Projected Growth Share})$ or $.25(55) = 13.75$ or 14 units
N.J.A.C. 5.97-3.10(b)3

Growth Share Family Rental Requirement:⁷ 7 Units

Development/Project Name	Type of Affordable Unit	# Units
Accessory Apartment Program	Family Rental	10
Municipally Sponsored 100% Affordable Project	Family Rental	26
TOTAL		36

Growth Share Minimum Family Requirement:⁸ 28 Units

Development/Project Name	Type of Affordable Unit	# Units
Accessory Apartment Program	Family Rental	10
Municipally Sponsored 100% Affordable Project	Family Rental	26
TOTAL		36

Very Low Income Minimum Requirement:⁹ 7 Units

Development/Project Name	Type of Affordable Unit	# Units
Henry Hill Supportive Housing	Supportive/Special Needs	3
Future Group Homes	Supportive/Special Needs	7
Municipally Sponsored 100% Affordable Project or Accessory Apartment Program	Family Rental	4
TOTAL		14

⁷ Projected Growth Share Family Rental Requirement: .5(Rental Obligation) or .5(14)= 7 units
N.J.A.C. 5:97-3.4(b)

⁸ Projected Growth Share Family Requirement: .5 (Units Addressing the Growth Share Obligation) or .5(55)= 27.5 or 28 units N.J.A.C. 5:97-3.9

⁹ Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(55)= 7.15 or 7 units N.J.S.A. 52:27D-329.1

RCA Maximum:¹⁰ 27 Units

Development/Project Name	Type of Affordable Unit	# Units
Surplus RCA credits with Carteret/Middlesex	RCA	4
TOTAL		4

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, East Amwell has issued certificates of occupancy for 23 housing units and also for the nonresidential square footage equivalent of 138 jobs, yielding an actual growth share obligation through September 30, 2008, of 13 affordable units.¹¹

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 8 Units

Rehabilitation Program	# Units
East Amwell Rehab Program	9
TOTAL	9

¹⁰ RCA Maximum: $.50(\text{Projected Growth Share})$ or $.50(55) = 27.5$ or 27 units N.J.A.C. 5:97-3.10(d)2

¹¹ The number of residential COs (23) is divided by 5 to yield 4.6 units and the number of jobs (138) is divided by 16 to yield 8.63 unit. East Amwell's total projected growth share is therefore 13 units (4.6 + 8.63). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

PRIOR ROUND SUMMARY

Prior Round Obligation: 40 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	N/A	-			-
Post-1986 Credits	Completed RCA with Carteret/Middlesex	16	-	-	16
	Completed Market to Affordable Units	3	-	-	3
	Women's Crisis Services group home (transitional housing facility)	11	Rental	10	21
Subtotal		30		10	40
TOTAL					40
Proposed Mechanisms	N/A	-	-	-	-
Subtotal		-		-	-
TOTAL					40

GROWTH SHARE SUMMARY

Projected Growth Share Obligation: 55 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	Easter Seals Group Home	5			5
Post-1986 Credits	Surplus RCA credits with Carteret/Middlesex	4	-	-	4
	Henry Hill Supportive Housing	3	-		3
Subtotal		12		-	12
Proposed Mechanisms	Accessory Apartment Program	10	-	-	10
	Municipally Sponsored 100% Affordable Project	26	-	-	26
	Future Group Homes	7	-	-	7
Subtotal		43		-	43
TOTAL					55

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

East Amwell's second round approved plan included a development fee ordinance that was approved by COAH on September 6, 1995, and adopted by the Township on November 16, 1995. COAH granted East Amwell approval of an amendment to its development fee ordinance on April 11, 2006. East Amwell submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance was approved by COAH on September 23, 2009.

B. Third Round Spending Plan

COAH approved East Amwell's initial spending plan on July 24, 1997. A third round spending plan was submitted by East Amwell with the Township's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

East Amwell Township has an adopted fair share ordinance for its prior round obligation. East Amwell has submitted a revised draft fair share ordinance that comports with the requirements of UHAC, which was amended on December 20, 2004. The draft proposed ordinance includes compliance with barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison was adopted by the Township on June 8, 2006, and a resolution appointing a municipal housing liaison was adopted on August 17, 2006.

East Amwell is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must designate an experienced administrative entity for that purpose. East Amwell has an in-house administrative agent (the municipal housing liaison) who administers all of the Township's affordable units, except for the group homes, which are administered by the group home providers. East Amwell has submitted a written operating manual for its rehabilitation and accessory apartment programs.

D. Affirmative Marketing Plan

East Amwell has submitted an affirmative marketing plan. The affirmative marketing plan will be reviewed for conformance with the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., to ensure the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative

marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. COMMENTS

Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), submitted a letter dated June 15, 2009, commenting on East Amwell's Fair Share Plan during the 45-day objection period.

FSHC states that the letter is not intended as an objection to the Township's plan pursuant to N.J.A.C. 5:96-4.1; however FSHC does express concerns regarding the East Amwell's use of all supportive/special needs housing units to address the Township's very-low income obligation. FSHC states that the Township must address half of its very-low income obligation with family housing, pursuant to a letter that COAH issued to municipalities on October 30, 2008.

FSHC's comment has been addressed by the Township. On November 18, 2009, COAH received a letter from East Amwell stating their intent to address half of the very-low income obligation with either accessory apartments or its future municipally sponsored project.

V. MONITORING

East Amwell must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify East Amwell in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of East Amwell's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been

in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in East Amwell and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, East Amwell is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the Township to amend its plan to address the shortfall.

VI. RECOMMENDATION

COAH staff recommends that East Amwell be granted third round substantive certification. East Amwell must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.